

B 2
a
cancel
27. ~~31.~~ The compound of claim 1 ^{in *trans* form} in which $R_1, R_2, R_3, R_4,$
 R_5, R_6 and R_7 are H, $CH_2-\overset{!}{CH}=CH_2$, H, H, H, H and H, respectively.

~~32. The compound of claim 1 in which $R_1, R_2, R_3, R_4,$
 R_5, R_6 and R_7 are H, CH_3 , H, H, H, H and H, respectively.--~~

REMARKS

P
Claims 1 to 4 were presented for examination, and
Claims 1 to 3 and 5 to 32 are now in the case. Applicant is
enclosing a check for \$42.00 to cover the cost of 21 independent
claims now in the application in excess of ten.

n
New claims 5 to 32 have been added to the present
application to cover preferred embodiments of the invention.
The basis for the new claims can be found in the following table:

K

| <u>Claims</u> | <u>Basis</u> |
|---------------|--|
| 5 | Page 2, lines 1 and 2 |
| 6 | Page 1, lines 14 and 15 and page 2, line 12 |
| 7-32 | Examples 1-26 |

Applicant believes that the new claims are properly supported
by the present disclosure; and therefore, it is respectfully
requested that they be entered.

In support of the patentability of the instantly
claimed compounds, Applicant is enclosing a copy of the Declara-
tion Under 37 CFR 1.132 submitted on September 17, 1979 in
parent application Serial No. 1,479 filed January 8, 1979. The
Declaration compares the antimycotic activity of Applicant's
compound (referred to as compound A in the Declaration) with

art compound I (referred to as compound B in the Declaration), art compound II (referred to as compound D in the Declaration) and N-(2-naphthylmethyl)-N-(2-phenethyl)amine (referred to as compound C in the Declaration). Art compounds I and II were cited by the Examiner in the Office Action of April 15, 1979 on the parent application.

From the results in the table on page 8 of the Declaration, it can be seen that Applicant's compound A is 500, and usually 1000 times more active than art compounds B, C and D against various strains of dermatophytes. The results also show that compound A of the instant application is significantly more active than the prior art compounds against various fungus strains. The unexpected difference in activity of Applicant's compound versus the art compounds and the level of difference clearly rebuts the presumption of prima facie obviousness alleged by the Examiner in parent application Serial No. 1,479. Accordingly, Applicant submits that the compounds of the present application are patentable over the prior art, and it is respectfully requested that early consideration be given to their allowance.

Claim 4 was rejected under 35 USC 103 and 112 in parent application Serial No. 1,479. Applicant has, accordingly, cancelled claim 4 from the present application to facilitate prosecution of the application.

Applicant has amended example 1 to correct an obvious error in nomenclature.

In view of the above amendments and comments, it is believed that the instant application is now in condition for allowance; and therefore, it is respectfully requested that the application be passed to issue.

Respectfully submitted,

DANIEL BERNEY

By

Thomas O. McGovern

Thomas O. McGovern
Agent for Applicant
(201) 386-8480

SANDOZ, INC.
59 Route 10
E. Hanover, NJ 07936
TOM/jp
December 19, 1979
Encs.: \$42.00 check
Declaration Under 37 CFR 1.132